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Counterclaimant Apple Inc.*

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

EPIC GAMES, INC.,

Plaintiff, Counter-  
defendant

v.

APPLE INC.,

Defendant,  
Counterclaimant.

Case No. 4:20-cv-05640-YGR-TSH

**STIPULATION AND [PROPOSED] ORDER  
REGARDING HEARING DATE FOR APPLE  
INC.'S MOTION TO STAY THE  
INJUNCTION PENDING APPEAL**

1 Pursuant to Civil Local Rule 6-2, Epic Games, Inc. (“Epic”) and Apple Inc. (“Apple”) by and  
2 through their respective counsel hereby agree as follows:

3 WHEREAS, on September 10, 2021, the Court entered a permanent injunction (Dkt. 813) and  
4 judgment (Dkt. 814) in this case;

5 WHEREAS, the injunction has an effective date of December 9, 2021;

6 WHEREAS, Epic noticed an appeal on September 12, 2021 (Dkt. 816) and Apple noticed an  
7 appeal on October 8, 2021 (Dkt. 820);

8 WHEREAS, on October 8, 2021, Apple filed a Motion for Stay of Injunction Pending Appeal  
9 (“Motion to Stay”) (Dkt. 821);

10 WHEREAS, pursuant to the Local Rules, Apple noticed the Motion to Stay for hearing on  
11 November 16, 2021, with Epic’s opposition due October 22, 2021, and Apple’s reply due October 29,  
12 2021;

13 WHEREAS, Apple requested to shorten the time for the hearing on Apple’s Motion to Stay,  
14 and Epic does not object; and

15 WHEREAS, counsel for both parties are available for a November 9, 2021 hearing, a date on  
16 which the Court will be conducting its weekly civil law and motion calendar;

17 THEREFORE, IT IS STIPULATED AND AGREED, subject to the Court’s approval, that  
18 Apple’s Motion to Stay the Injunction Pending Appeal shall be heard on November 9, 2021, at 2:00  
19 p.m. via the Zoom platform.  
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1 Dated: October 12, 2021

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12 Dated: October 12, 2021

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**PURSUANT TO STIPULATION AND GOOD CAUSE APPEARING, IT IS SO ORDERED.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT JUDGE

**ECF SIGNATURE ATTESTATION**

In accordance with Civil Local Rule 5-1, the filer of this document hereby attests that the concurrence of the filing of this document has been obtained from the other signatory hereto.

Dated: October 12, 2021

GIBSON, DUNN & CRUTCHER LLP

By: /s/ Mark A. Perry

Mark A. Perry

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